

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

FEB 25 2013
JULIA C. DUNLEY, CLERK
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA,

) CASE NO. 5:06CR00008

) (CASE NO. 5:09CV80169)

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) **FINAL ORDER**

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V.

EUGENE ROSS COUSINS.

) By: Glen E. Conrad

Chief United States District Judge

Defendant.

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In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

as follows:

1. The defendant's motions (ECF Nos. 192 & 193), styled as a motion for reconsideration under Rule 60(b) and a motion to withdraw defendant's guilty plea, and all other motions contained therein, are **DENIED**, and the defendant's submission is **CONSTRUED** as a Motion to Vacate, Set Aside or Correct Sentence, pursuant to 28 U.S.C.A. § 2255;
2. The Clerk is **DIRECTED** to redocket the motions (ECF Nos. 192 & 193), jointly, as a § 2255 motion;
3. The § 2255 motion is hereby **DENIED** without prejudice as successive and stricken from the active docket; and
4. Based upon the court's finding that the defendant has not made the requisite showing of denial of a substantial right, a certificate of appealability is **DENIED**.

ENTER: This 25th day of February, 2013.

John Conrad

Chief United States District Judge